

CHAPTER NO. 841

SENATE BILL NO. 2599

**By Crowe, McNally, Burks, Graves, Carter, Trail, Dixon, Atchley, Crutchfield,
Burchett, Jackson, Norris**

Substituted for: House Bill No. 2549

**By David Davis, Godsey, Mumpower, Goins, Beavers, Kernell, Dunn, Rowland,
Todd, Baird, Hargett, Buttry, Montgomery, Black**

AN ACT To amend Tennessee Code Annotated, Title 49, Chapter 6, relative to instruction in and recitation of the pledge of allegiance in public schools.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-1001, is amended by designating the existing language as subsection (a) and by adding the following language as new, appropriately designated subsections:

(b) In recognition of the civic heritage of the United States of America, all students shall be required to learn the pledge of allegiance and to demonstrate such knowledge.

(c)(1) Each board of education shall require the daily recitation of the pledge of allegiance in each classroom in the school system in which a flag is displayed. Each LEA is encouraged to have a flag in each classroom and patriotic, fraternal, and other organizations or individuals are encouraged to donate flags to schools to enable them to have the flag of the United States of America present in each classroom. Each board of education shall determine the appropriate time during the school day for the recitation of the pledge of allegiance. At the time designated for the recitation of the pledge of allegiance, students shall stand and recite the pledge of allegiance while facing the flag with their right hands over their hearts or in an appropriate salute if in uniform; provided, however, no student shall be compelled to recite the pledge of allegiance if the student or the student's parent or legal guardian objects on religious, philosophical or other grounds to the student participating in such exercise. Students who are thus exempt from reciting the pledge of allegiance shall remain quietly standing or sitting at their desks while others recite the pledge of allegiance and shall make no display that disrupts or distracts others who are reciting the pledge of allegiance. Teachers or other school staff who have religious, philosophical, or other grounds for objecting are likewise exempt from leading or participating in the exercise. If a teacher chooses not to lead the pledge, another suitable person shall be designated either by the teacher or principal to lead the class. Each board of education shall provide appropriate accommodations for students, teachers or other staff who are unable to comply with the procedures described herein due to disability.

(2) The board of education's code of conduct shall apply to disruptive behavior during the recitation of the pledge of allegiance in the same manner as provided for other circumstances of such behavior.

(d)(1) To promote compliance with constitutional restrictions, as well as observance of constitutional rights, the State Board of Education shall, in consultation with the Attorney General and Reporter, develop guidelines on constitutional rights and restrictions relating to the recitation of the pledge of allegiance to the American flag in public schools.

(2) The State Board of Education's guidelines shall include, but shall not be limited to, provisions which address the following: the initiative and involvement of local boards of education and individual schools, administrators, teachers, and students; the propriety and constitutionality of any recitation or participation requirements; appropriate etiquette and conventions for respecting the dignity and appropriate display of the flag of the United States; and relevant state and federal constitutional concerns, such as freedom of speech and religion.


SECTION 2. Each local education agency shall implement the provisions of this act at the commencement of the 2002-2003 school year, but in no instance later than October 1, 2002.

SECTION 3. The State Board of Education is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

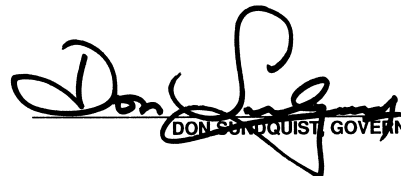
SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: July 1, 2002


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 3rd day of July 2002


DON SUNDQUIST, GOVERNOR